

EXHIBIT 5

1 Page 1

2 IN THE UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF VIRGINIA
4 ALEXANDRIA DIVISION

5 -----:
6 UNITED STATES, et al., :
7 Plaintiff, :
8 vs. : Case No.:
9 : 1:23-CV-00108-LMB-JFA
10 GOOGLE, LLC, :
11 Defendant. :
12 -----:

13 VIDEOTAPED DEPOSITION OF ALLEN OWENS, JR.

14 DATE: September 28, 2023
15 TIME: 9:36 a.m.
16 LOCATION: Paul, Weiss, Rifkind,
Wharton & Garrison LLP
2001 K Street, Northwest
Washington, D.C. 20006-1047

17 REPORTED BY: Shari R. Broussard, RPR, CSR
18 Reporter, Notary

19
20
21
22 Job No. CS6118347

	Page 2	Page 4
1	A P P E A R A N C E S	
2	On behalf of Plaintiff:	
3	CHASE PRITCHETT, ESQUIRE	1 DEFENDANT'S DEPOSITION EXHIBITS: *
4	KATHERINE CLEMONS, ESQUIRE	2 164 Plaintiff's Responses to Defendant
5	ALVIN CHU, ESQUIRE	3 Google LLC's Fifth Set of
6	U.S. Department of Justice	4 Interrogatories to the United States 101
7	450 5th Street, Northwest	5 PREVIOUSLY MARKED/REFERRED TO:
8	Washington, D.C. 20530	6 55 Bates NAVY-ADS-241136 to 143
9	On behalf of Defendant:	7 60 Bates NAVY-ADS-28530 to 531
10	MARTHA L. GOODMAN, ESQUIRE	8
11	LEAH HIBBLER, ESQUIRE	9
12	Paul, Weiss, Rifkind,	10
13	Wharton & Garrison, LLP	11
14	2001 K Street, Northwest	12
15	Washington, D.C. 20006-1047	13
16	(202) 223- 7341	14
17	mgoodman@paulweiss.com	15
18	ALSO PRESENT:	16
19	Orson Braithwaite, Video Technician	17
20		18
21		19
22		20
		21
		22 (* Exhibits attached to transcript.)
	Page 3	Page 5
1	C O N T E N T S	
2	EXAMINATION BY: PAGE	
3	Counsel for Defendant 6	1
4	Counsel for Plaintiff 105	2 P R O C E E D I N G S
5		3 VIDEO TECHNICIAN: Good morning. We are
6	DEFENDANT'S DEPOSITION EXHIBITS: * PAGE	4 going on the record at 9:36 a.m. on
7	154 Navy Communications with Attorneys 17	5 September 28th, 2023.
8	155 e-mails Re: Award of M&A contract, Bates	6 Please note that the microphones are
9	NAVY-ADS-219026 to 173 27	7 sensitive and may pick up whispering, private
10	156 Amendment of Solicitation/Modification of	8 conversations. Please mute your phones at this
11	Contract, No. 2, Bates NAVY-ADS-12880	9 time.
12	to 925 32	10 Audio and video recording will continue
13	157 e-mails Re: Navy Advertising Contract	11 to take place unless all parties agree to go off
14	N00189-15-D-Z024, Bates NAVY-ADS-315296	12 the record.
15	to 374 40	13 This is Media Unit 1 of the
16	158 e-mail from Uhlan to Owens, 7/15/22,	14 video-recorded deposition of Mr. Allen Owens in
17	Bates NAVY-ADS-72243 61	15 the matter of United States, et al., versus
18	159 Digital Media Bill, Oct-22, Bates	16 Google, LLC, filed in the United States District
19	NAVY-ADS-374151 to 171 67	17 Court, Eastern District of Virginia, Alexandria
20	160 Digital Medial Bill, Nov-22, Bates	18 Division, Case Number 1:23-cv-00108-LMB-JFA.
21	NAVY-ADS-373978 to 4145 77	19 My name is Orson Braithwaite
22	161 Digital Medial FY19 Q3 Refund, Bates	20 representing Veritext Legal Solutions and I'm the
	NAVY-ADS-5844 82	21 videographer. The court reporter is Shari
	162 e-mails Re: Navy Refund Checks, Bates	22 Broussard from the firm Veritext Legal Solutions.
	NAVY-ADS-5834 to 837 83	
	163 Plaintiff United States of America's	
	Responses to Defendant Google LLC's	
	Second Set of Interrogatories to the	
	United States 99	

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<p>1 A Yes, that's right.</p> <p>2 Q Okay. And so am I understanding 3 correctly that the first outreach to anybody at 4 the Navy recruiting command took place after the 5 filing of the complaint on January 24th, 2023?</p> <p>6 MR. PRITCHETT: Objection. Form.</p> <p>7 THE WITNESS: Can you repeat that 8 question one more time?</p> <p>9 BY MS. GOODMAN:</p> <p>10 Q Am I understanding correctly that the 11 first outreach to anybody at the Navy Recruiting 12 Command took place after the filing of the 13 complaint on January 24th, 2023?</p> <p>14 A Yes.</p> <p>15 Q Okay. Did anybody at the Navy 16 Recruiting Command have a choice as to whether to 17 participate in this lawsuit as a party or as an 18 entity on whose behalf the United States is 19 seeking damages?</p> <p>20 MR. PRITCHETT: Objection. Form.</p> <p>21 THE WITNESS: So I'm not privy to the 22 conversations that happened between DoD and DON,</p>	<p>Page 18</p> <p>1 MR. PRITCHETT: Objection. Form.</p> <p>2 THE WITNESS: Yeah. I don't -- sitting 3 here today I don't have that information of -- of 4 who the person was that -- that approved that.</p> <p>5 BY MS. GOODMAN:</p> <p>6 Q And you did not undertake to figure out 7 that information in order to prepare for this 8 deposition; is that accurate?</p> <p>9 MR. PRITCHETT: Objection. Form.</p> <p>10 THE WITNESS: In order to prepare for 11 the -- the deposition, I found out the timelines 12 of when the departments were contacted but did not 13 ascertain the names of the people at the 14 departments who were the ones to approve this.</p> <p>15 BY MS. GOODMAN:</p> <p>16 Q Okay. Do you know -- does the Navy 17 know -- did you -- strike that.</p> <p>18 Did you do anything to prepare to figure 19 out whether the Navy even had a choice as to 20 whether to participate in this lawsuit as an 21 entity on whose behalf the United States is 22 seeking damages?</p>
<p>1 but once DON was contacted, they contacted the OGC 2 at NETC, which is the Navy Education Training 3 Command -- it's the parent command over Navy 4 recruiting -- and that OGC is the one who 5 contacted me and instructed me to meet with DoJ.</p> <p>6 BY MS. GOODMAN:</p> <p>7 Q Okay. So who at -- who, if -- if 8 anyone, within the Navy made the decision for the 9 Navy Recruiting Command to participate as an 10 entity on whose behalf the United States is 11 seeking damages in this lawsuit?</p> <p>12 MR. PRITCHETT: Objection. Form.</p> <p>13 THE WITNESS: I don't have that 14 information, but if needed could contact the OGC 15 at NETC to pull that string and find out who in 16 the DON chain was the one.</p> <p>17 BY MS. GOODMAN:</p> <p>18 Q Okay. Do you know whether -- does the 19 Navy know whether the Navy had a choice as to 20 whether to participate in this lawsuit as an 21 agency on whose behalf the United States is 22 seeking money damages?</p>	<p>Page 19</p> <p>1 MR. PRITCHETT: Objection. Form, asked 2 and answered.</p> <p>3 THE WITNESS: Yeah. As -- as stated 4 earlier, ma'am, the -- the Department of Navy was 5 contacted and at that point in time, once they 6 contacted the Naval Education Training Command 7 OGC, that OGC contacted Navy Recruiting Command 8 and instructed them to participate. So above the 9 NETC OGC, I don't have that information now, but 10 could contact the NETC OGC if needed to -- to find 11 that out.</p> <p>12 BY MS. GOODMAN:</p> <p>13 Q Okay. Do you know when the Navy -- when 14 did the Navy make a decision to participate in 15 this lawsuit --</p> <p>16 MR. PRITCHETT: Objection.</p> <p>17 BY MS. GOODMAN:</p> <p>18 Q -- an affirmative decision to 19 participate in this lawsuit as an entity on whose 20 behalf the United States is seeking money damages?</p> <p>21 MR. PRITCHETT: Objection. Form, 22 foundation.</p>

<p style="text-align: right;">Page 106</p> <p>1 through Google's Ad Exchange? 2 A No, we do not. 3 MR. PRITCHETT: Okay. No further 4 questions. 5 MS. GOODMAN: Okay. 6 VIDEO TECHNICIAN: The time is 7 12:08 p.m. We're off the record. 8 (Whereupon, at 12:08 p.m., the 9 deposition of ALLEN OWENS, JR. 10 was concluded.) 11 * * * * *</p> <p>12 13 14 15 16 17 18 19 20 21 22</p>	<p style="text-align: right;">Page 108</p> <p>1 A C K N O W L E D G E M E N T 2 O F D E P O N E N T 3 4 I, ALLEN OWENS, JR., do hereby acknowledge 5 I have read and examined the foregoing pages of 6 testimony, and the same is a true, correct and 7 complete transcription of the testimony given by 8 me, and any changes or corrections, if any, appear 9 in the attached errata sheet signed by me. 10 11 12 13 14 15 16 17 18 19</p> <hr/> <p>20 Date ALLEN OWENS, JR. 21 22 Job No. CS6118347</p>
<p style="text-align: right;">Page 107</p> <p>1 CERTIFICATE OF NOTARY PUBLIC 2 I, SHARI R. BROUSSARD, the officer before 3 whom the foregoing deposition was taken, do hereby 4 certify that the witness whose testimony appears 5 in the foregoing deposition was duly sworn by me; 6 that the testimony of said witness was taken by me 7 in stenotype and thereafter reduced to typewriting 8 under my direction; that said deposition is a true 9 record of the testimony given by said witness; 10 that I am neither counsel for, related to, nor 11 employed by any of the parties to the action in 12 which this deposition was taken; and, further, 13 that I am not a relative or employee of any 14 counsel or attorney employed by the parties 15 hereto, nor financially or otherwise interested in 16 the outcome of this action.</p> <p>17 18  19 SHARI R. BROUSSARD Notary Public in and for the District of Columbia 20 21 My commission expires: 22 August 14, 2025</p>	<p style="text-align: right;">Page 109</p> <p>1 Katherine Clemons Esq. 2 katherine.clemons@usdoj.gov 3 October 2, 2023 4 RE: United States, Et Al v. Google, LLC 5 9/28/2023, Allen Owens, Jr., Navy 30(B)(6) (#6118347) 6 The above-referenced transcript is available for 7 review. 8 Within the applicable timeframe, the witness should 9 read the testimony to verify its accuracy. If there are 10 any changes, the witness should note those with the 11 reason, on the attached Errata Sheet. 12 The witness should sign the Acknowledgment of 13 Deponent and Errata and return to the deposing attorney. 14 Copies should be sent to all counsel, and to Veritext at 15 erratas-cs@veritext.com 16 17 Return completed errata within 30 days from 18 receipt of testimony. 19 If the witness fails to do so within the time 20 allotted, the transcript may be used as if signed. 21 22 Yours, 23 Veritext Legal Solutions 24 25</p>

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